

REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1 - 22 have been cancelled. Claims 23 - 29 have been added and remain in the case. The specification has been amended to remove the reference to "living hinge".

The invention overcomes the disadvantages associated with previously known hairstyling devices, including but not limited to flexible snap clips. The apparatus incorporates a combination of a snap clip closure mechanism and a comb-like bottom with a plurality of elongated teeth, extending laterally beyond the periphery of the top portion of the clip, for more effectively gathering and holding hair.

Claims 16 - 18 and 20 - 22 were rejected under 35 U.S.C. §112 as being indefinite, and being improper dependent claims. These claims have now been cancelled, and claims 23 - 28 have been added, resolving this rejection.

Claims 6, 8, 16 - 19, and 21 - 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Renstrom et al, U.S. Patent Number 3,082,773. These claims have now been cancelled and replaced by newly added claims 23 - 29. The added claims refer to the lower portion of the hair clip extending laterally beyond the periphery of the upper portion of the hair clip. This structural feature is illustrated in the original Figures 1 - 4, and 7. No new material has been added in the newly added claims.

Renstrom et al in column 1, lines 70 - 72 and column 2, lines 49 - 51 refers to "serrations 11 running across the face ..." shown in Figures 6 and 8, which are perpendicular to the length of the clip. These are in contrast to the teeth shown in the present invention in Figures 1 and 2, which are parallel to the length of the current clip. The claimed feature of a plurality of planar longitudinal teeth uniquely distinguishes the current invention over Renstrom, and is now explicitly claimed in independent claims 23 and 28, as illustrated in the original Figures 6 and 8. No new material has been added in the newly added claims.

Application No. 10/721,672
Amendment Dated June 13, 2006
Reply to Office Action of December 14, 2005

Since it is believed that Renstrom et al does not anticipate the invention as presently claimed, and the rejection of claims 6, 8, 16 - 19, and 21 - 22 of the present invention has been overcome, Applicant respectfully traverses the rejection of claims 6, 8, 16 - 19, and 21 - 22 under 35 U.S.C. §102(b) as being anticipated by Renstrom et al.

Claims 9 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Renstrom et al. The analogous portion of new claim 25 is dependent on claim 23, and therefore traverses this rejection. Reference to "...the different grade of emery i.e. fine or coarse ..." on page 4 of the Office Action seems to have been inadvertently included, and is now moot. Since it is believed that the rejection of claims 6, 8, 16 - 19, and 21 - 22 of the present invention has been overcome, Applicant respectfully traverses the rejection of claims 9 and 20 under 35 U.S.C. §103(a) as being anticipated by Renstrom et al.

In view of the foregoing amendments and remarks, Applicant respectfully requests that claims 23 - 29 be allowed and the application be passed to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 6/14/08
Tellie (Date of Deposit)

Mark Levy, Reg. No. 29,188 (Date)
Attorney

Respectfully submitted,
MARK LEVY & Associates PLLC

By: Mark Levy
Reg. No. 29,188
Attorney for Applicant
Press Building - Suite 902
19 Chenango Street
Binghamton, New York 13901
Telephone: (607) 722-6600